

Assembly Bill No. 2579

CHAPTER 358

An act to amend Sections 456, 457, and 458 of the Military and Veterans Code, relating to military and veterans.

[Approved by Governor September 20, 2006. Filed with
Secretary of State September 20, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2579, Sharon Runner. Military courts-martial.

The Military and Veterans Code provides that general, special, and summary courts-martial have the power to try and adjudge specified members of the military. The authority to adjudge includes specified types of punishment.

This bill would provide that those courts have the power to adjudge any punishment authorized for a court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, as provided. This bill would include within the powers of special courts-martial the power to try commissioned officers, and within the powers of summary courts-martial the power to try members of the active militia unless they object.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 456 of the Military and Veterans Code is amended to read:

456. General courts-martial have power:

(a) To try commissioned officers, warrant officers, and enlisted members of the active militia.

(b) To adjudge:

(1) Dismissal, in the case of a commissioned or warrant officer.

(2) Dishonorable discharge, in the case of an enlisted member.

(3) Any other punishment authorized for a special court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, including, but not limited to, up to one year in confinement.

SEC. 2. Section 457 of the Military and Veterans Code is amended to read:

457. Special courts-martial have power:

(a) To try commissioned officers, warrant officers, and enlisted members of the active militia.

(b) To adjudge any punishment authorized for a special court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, but in no case more than 180 days in confinement.

SEC. 3. Section 458 of the Military and Veterans Code is amended to read:

458. Summary courts-martial have power:

(a) To try enlisted members of the active militia unless they object thereto.

(b) To adjudge any punishment authorized for a summary court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, including, but not limited to, up to 30 days in confinement.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.